

REMARKS

I. Introduction

The Current Action:

Requires an election of claims;
Objects to the specification;
Objects to claims 20 and 22 for informalities;
Rejects claim 7 under 35 U.S.C. § 112, first paragraph;
Rejects claims 1-3, 8-15, 17-21, 23, 53, and 56 under 35 U.S.C. §102(b); and
Rejects claims 6, 16, 22, 24, and 26 under 35 U.S.C. §103(a).

This Response:

Responds to the Restriction Requirement by provisionally electing, with
traverse, claims 1-3, 6-24, 26, 53, and 56 group 1;
Amends the specification; and
Amends claims 1, 7, 8, 14, 20, and 22.

Claims 20 and 22 have been amended to cure typographical errors as suggested by the Examiner. Paragraph 2 of the Application has been amended to update the information of the cross-referenced application. Claims 1, 7, 8, 14, and 20 have been amended to more clearly describe the claimed invention. No new matter has been added. In light of the remarks below, the Applicant respectfully asks the Examiner to withdraw all objections and rejections.

II. The Restriction Requirement

The Applicant hereby provisionally elects, with traverse, claim Group I (claims 1-3, 6-24, 26, 53, and 56) for continued prosecution. The Applicant respectfully points out, however, that claim Group I and claim Group II do not represent inventions that are independent or distinct as required by M.P.E.P. § 803. Further, the Current Action fails to demonstrate that a serious burden would exist if the claims of Group I and Group II were to be Examined together. Therefore, the Applicant respectfully asks the Examiner to withdraw the restriction requirement. The Applicant notes that 37 CFR 1.444 allows the Applicant to

defer petition of this Restriction Requirement until after the Final Action on the merits, but before an appeal.

III. The Rejection of Claim 7

The Current Action rejects claim 7 under 35 U.S.C. § 112, first paragraph, and contends that it is “unclear which component disclosed is able to optically adjust the numerical aperture.” The Applicant respectfully submits that the clarifying amendments to claim 7 fully address the Examiner’s rejection, and respectfully ask that the rejection of claim 7 be withdrawn.

IV. The Rejections of Claims 1-3, 8-15, 17-21, 23, 53, and 56

Claims 1-3, 8-15, 17-21, 23, 53, and 56 stand rejected as anticipated by *Corbin*, United States Patent No. 6,271,808 (hereinafter *Corbin*). However, the Applicant respectfully asserts that each of claims 1-3, 8-15, 17-21, 23, 53, and 56 recite limitations not taught by *Corbin* or any other reference of record, and respectfully remind the Examiner that M.P.E.P. § 2131 requires that a reference teach each and every limitation of a claim for it to be considered anticipatory.

Claim 1 recites “focusing said display image with a converging display lens.” *Corbin* does not disclose this limitation. From the description of the *Corbin* embodiment cited by the Current Action and the path of the light exiting lens 310, it does not appear that a lens as described by claim 1 would be suitable for the purpose of enlarging the image of screen 350. Therefore, the Applicant respectfully asserts that *Corbin* does not teach each and every limitation of claim 1, and respectfully asks that the Examiner withdraw the rejection.

In addition to requiring a converging lens, Claims 8 and 14 also recite “a plurality of oppositely-oriented sub-paths.” In meeting the limitations of claims 8 and 14, the Current Action relies on, from *Corbin*, the path of the image for the right eye and the path for the image for the left eye to be “sub-paths.” However, the Applicant respectfully points out that, in *Corbin*, these paths are not oppositely-oriented. Therefore, the Applicant respectfully asserts that *Corbin* does not teach each and every limitation of claim 8, and respectfully asks the Examiner to withdraw the rejection.

Claim 20 requires optics that convergently focus the sub-images. The Applicant respectfully points out that the embodiment in Figure 4 of *Corbin*, which the Current Action cites as anticipating claim 20, show optics that appear to divergently focus the reflections of screen 350. In addition, claim 20 requires a plurality of redirectors arranged proximate to the focal point of the at least one sub-image. *Corbin*, in contrast, has only one. Therefore, the Applicant respectfully asserts that *Corbin* does not teach each and every limitation of claim 20, and respectfully ask the Examiner to withdraw the rejection.

Each of claims 2, 3, 9-13, 15, 17-19, 21, and 23 depend from one of independent claims 1, 8, 14, and 20. Thus each of claims 2, 3, 9-13, 15, 17-19, 21, and 23 inherit all of the limitations of its respective base claim. Although each of claims 2, 3, 9-13, 15, 17-19, 21, and 23 recite limitations that make it patentable in its own right, each of claim 2, 3, 9-13, 15, 17-19, 21, and 23 is patentable, at least, for depending from a patentable base claim. Therefore, the Applicant respectfully asks the Examiner to withdraw the rejections to claims 2, 3, 9-13, 15, 17-19, 21, and 23 as well.

Claim 53 requires “a splitter.” The Current Action cites scanning mirror 320 as meeting this limitation, but the Applicant respectfully asserts that scanning mirror 320 is not a splitter, but is in fact a mirror. “A splitter” is a well known optical apparatus capable of “splitting” an image by one of a variety of methods known to those skilled in the art. A mirror, in contrast, merely redirects incident light. Therefore, the Applicant respectfully asserts that *Corbin* does not teach each and every limitation of claim 53, and respectfully asks the Examiner to withdraw the rejection.

The Current Action cites mirrors 100 and 110 of Figure 2 as meeting the “asymmetric v-mirror” splitter required by claim 56. However, this rejection is flawed on two grounds. First, the Current Action relies on the *Corbin* embodiment of Figure 4 to meet the lens limitations of claim 53, the base claim of claim 56. Thus, the Examiner has combined two dispirit embodiments of *Corbin* in order to meet the limitations of a single claim. This is not a 35 U.S.C. § 102 anticipation rejection, but, rather, an obviousness combination rejection under 35 U.S.C. § 103(a). If the Examiner intends to make an obviousness rejection, the Applicant respectfully points out that the Examiner is required to explicitly say so. In

addition, M.P.E.P. § 2143 requires a showing of motivation and an expectation of success, neither of which is present in the Current Action.

The second flaw in the rejection of claim 56 is the Current Action's characterization of mirrors 100 and 110 as an "asymmetric v-mirror." This characterization is incorrect because, among other things, mirrors 100 and 110 are in fact symmetrical with respect to the optical axis. Therefore, the Applicant respectfully asserts that *Corbin* does not teach each and every limitation of claim 56, and respectfully asks the Examiner to withdraw the rejection.

V. The Rejection of claims 6, 16, 22, 24, and 26

The Current Action rejects claims 6, 16, 22, and 26 as obvious in light of various combined references. However, the Applicant respectfully asserts that the Current Action has failed to establish a *prima facie* case for rejecting these claims. The Applicant reminds the Examiner that M.P.E.P. § 2143 requires an obviousness rejection meet three criteria before establishing a *prima facie* case of obviousness. First, motivation must be found for the Examiner's proposed combination either in the references themselves or in the knowledge available to one of ordinary skill in the art. Second, the proposed combination must have posed a reasonable likelihood of success. Third, the proposed combination must teach or suggest each and every limitation of the rejected claims. Without conceding that the Current Action has met either of the first criteria, the Applicant respectfully asserts that the Current Action does not show the third.

Claim 6 is rejected as obvious in light of *Corbin* and *Fergason*, United States Patent No. 6,147,805 (hereinafter *Fergason*). However, claim 6 depends from claim 1 and inherits all of that claim's limitations. As demonstrated above, *Corbin* does not teach or suggest all of the limitations of claim 1. Although not relied on to do so, the Applicant respectfully asserts that *Fergason* does not teach or suggest the omitted limitations either. Therefore, the combination of *Corbin* and *Fergason* cannot establish a *prima facie* case for rejecting claim 6, and the Applicant respectfully asks the Examiner to withdraw the rejection.

Claim 26 is rejected in light of *Corbin* and *Ophey*, United States Patent No. 6,246,383 (hereinafter *Ophey*). However, claim 26 depends from claim 20 and inherits all of that claim's

limitations. As demonstrated above, *Corbin* does not teach or suggest all of the limitations of claim 20. Although not relied on to do so, the Applicant respectfully asserts that *Ophey* does not teach or suggest the omitted limitations either. Therefore, the combination of *Corbin* and *Ophey* cannot establish a *prima facie* case for rejecting claim 26, and the Applicant respectfully asks the Examiner to withdraw the rejection.

Claims 16, 22, and 24 are rejected as obvious in light of *Corbin* alone. Without conceding that the limitations specifically recited by claims 16, 22, and 24 are obvious as the Current Action suggests, the Applicant respectfully points out that claim 16 depends from claim 8 and claims 22 and 24 depend from claim 20. Thus, claims 16, 22, and 24 inherit the limitations of their respective base claims. As demonstrated above, claims 8 and 20 recite limitations neither taught nor suggested by *Corbin*. Thus, the Current Action has failed to establish a *prima facie* case for rejecting claims 16, 22, and 24, and the Applicant respectfully asks the Examiner to withdraw the rejection.

VI. Conclusion

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2380, under Order No. 54729/P005US/10304870 from which the undersigned is authorized to draw.

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Respectfully submitted,

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